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C O N F I D E N T I A L SECTION 01 OF 02 KUWAIT 003741

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E.O. 12958: DECL: 09/11/2016

TAGS: [PGOV](#) [ELAB](#) [PHUM](#) [KU](#) [TIP](#)

SUBJECT: KUWAIT TAKES ACTION ON KEY TIP ACTION PLAN ITEMS:
STANDARDIZED CONTRACTS, SHELTER, AWARENESS RAISING

REF: A. KUWAIT 2569
[1](#)B. KUWAIT 2395
[1](#)C. KUWAIT 2147
[1](#)D. KUWAIT 1934
[1](#)E. KUWAIT 1041

Classified By: Ambassador Richard LeBaron for reasons 1.4 (b) and (d).

[1](#)1. (C/NF) Summary. The GOK has made progress on a number of key items on the Kuwait TIP Tier 2 Watchlist Action Plan. The Ministry of Interior announced the implementation of a standardized domestic worker contract beginning October 1. Post will monitor implementation closely. GOK contacts have told us that serious discussion of a shelter is underway and asked that Post continue to raise the issue with senior officials. A ban on transferring domestic workers from one sponsor to another was issued but almost immediately suspended in response to negative public reaction. The Ministry of Awqaf and Islamic Affairs hosted a meeting to present GOK plans to raise awareness about the rights and responsibilities of domestic workers and to hear the views of labor source country embassies. End Summary.

[1](#)2. (C/NF) Colonel Jamal Al-Belushi of the Domestic Workers Administration (DWA) confirmed recent newspaper reports on September 11 stating that the standardized, three-party contract (recruitment agency, employer, worker) for expatriate domestic workers will go into effect on October 1. The new contract's provisions (in unofficial English translation) include:

- A minimum wage of 40KD (140USD) per month (Note: While modest, this will represent an increase for some domestic workers. End Note.);
- Payment of the worker's travel and visa fees by the employer;
- Accurate documentation of the worker. If the documentation is proven false, the recruitment agency must pay to repatriate the worker;
- The recruitment agency must meet the worker at the airport and deliver him/her to the employer immediately;
- The recruitment agency must inform the Domestic Workers Administration that it has delivered the worker to the employer within 24 hours of doing so;
- The employer must provide food, clothing, a good living space, and all that is needed to live a "decent life";

-- The employer must provide medical treatment at government hospitals;
-- The employer must not force the worker into work other than that for which he/she was hired;
-- If the employee dies, the employer must pay that month's salary plus two additional months' salary to the employee's family and pay for the repatriation of the body, unless the death comes within the first 6 months of employment and is due to a disease the worker had at the time of the signing of the contract;
-- The employer is responsible for paying for the treatment of work-related injuries;
-- The employer must pay damages caused by an employee working illegally (Note: this is to prevent the "farming out" of domestic workers. End Note.);
-- The employer must pay for the travel of the worker to and from the country of origin;
-- The worker is entitled to three one-hour rest periods during the day, a day of rest every week that can be spent with family (i.e. outside the place of work), a month of paid vacation each year, and a round-trip ticket to the country of origin for a two-month trip after completing two years of service;
-- The worker may not reveal family secrets and must do the work as instructed;
-- If the worker works other than with his/her sponsor, the worker must return to the country of origin at his/her own expense;
-- Disputes are to be settled in courts of law;
-- The Domestic Workers Administration, the recruitment agency, and the employer get a signed copy of the contract, which is then attached to the visa application and sent to the worker's country. The worker must then sign the contract

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at the Kuwaiti Embassy in his/her country.

13. (C/NF) Al-Belushi said the DWA would forbid any employer who violates the terms of the contract from hiring any more domestic workers for one year. Kuwaitis rely heavily on domestic workers: the most recent GOK statistics say that there are 450,885 domestic workers employed by 206,504 families, an average of 2.2 workers per family. A report in the Al-Qabas Arabic daily reported that an inside source said the new contract "will be a source of pride for human rights in Kuwait and is a response to reports of human trafficking in Kuwait." (Note: The reference to trafficking criticisms is a reference to the TIP Report. End Note.) DWA director Adeeb Sweidan told PolOff separately that the DWA is prepared to enforce the contract but predicted that Kuwait's Embassies abroad would not be ready by October 1st (ref C).

14. (C/NF) Al-Belushi also said that a shelter to help domestic workers is in the planning stages. He confirmed what other DWA officials have previously told PolOff, namely, that the DWA needs more resources and that a shelter for dealing with domestic workers' legal problems is a good idea. Al-Belushi was pleased that the idea seems to have gained acceptance in the MOI but appealed to Post to continue to push the GOK to implement it.

15. (C/NF) The Ministry of Interior issued a ban August 31 on domestic workers transferring from one employer to another. However, amid the public outcry the ban was suspended for further study after only one day. The Ministry had sought to end the process whereby sponsors "buy" housemaids from other sponsors. As a result, the government and the source country embassy are often not able to track the domestic worker. The ban would benefit domestic workers in some situations, such as when workers have their passports held until the current employer gets the new employer to pay the original sponsorship fee. On the other hand, it would create a major disincentive for workers to leave their employers. Workers stuck in an abusive situation or not receiving his/her salary might feel trapped because they would know that leaving their sponsor meant working illegally

or returning to their country, probably at their own expense.

¶6. (SBU) The National Project for Raising Awareness of Domestic Workers, which is run by the Ministry of Awqaf and Islamic Affairs (MAIA) and nicknamed "Barirah" held a meeting September 11 to introduce the project to labor source country embassies. Labor attaches from Eritrea, Ethiopia, India, Indonesia, the Philippines, Sri Lanka, Bangladesh, and Nepal as well as Post's Labor officer attended (Note: the Nepalese have no embassy in Kuwait, but the labor representative from Saudi Arabia flew in for the meeting. End Note.) After a presentation by MAIA on the program, Barirah's director, Saad Al-Hajji, gave a speech and opened the floor for feedback on how the program could be more useful to the attaches' respective communities. While the Labor Attaches were hesitant to fully air their complaints, Al-Hajji said he was open to their suggestions, and promised to hold more such meetings.

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LeBaron